

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.38487 of 2015
and
MP Nos.1 & 2 of 2015

Sri Jayendra Colony Residents Association,
Kottivakkam West and Perungudi
Rep. by its President,
4/360, Old Mahabalipuram Road,
Kottivakkam West, Chennai-600 096.

...Petitioner

Vs

1. The Registrar of Societies,
Saidapet, Chennai-600 015.
2. Sri.Jayendra Colony Flat Owners Association,
Kottivakkam West and Perungudi,
4/360, Old Mahabalipuram Road,
Kottivakkam West, Chennai-600 096.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Certificate of Registration of 2nd respondent society in Sl.No.51 of 2015 dated 20.1.2015 quash the same and direct the first respondent to conduct an enquiry on the complaints given by the petitioner association.

For Petitioner: Mr.R.Subramanian

For Respondents: Mr.S.V.Doraisolaimalai
AGP for R1.
Mr.C.Mahadevan
For R2

O R D E R

The Petitioner Association has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to Certificate of Registration of 2nd respondent society in Sl.No.51 of 2015 dated 20.1.2015, quash the same and direct the first respondent to conduct an enquiry on the complaints given by the petitioner association.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. According to the petitioner-Association, it was registered under the Tamil Nadu Societies Registration Act, 1975 in the year 2003 under Registration No.286/2003. Subject to the said registration, the second respondent-Association had been registered as Society on 20.01.2015 and according to the petitioner, the name of the petitioner-Association and the second respondent-Association resembles identical and therefore, the registration certificate issued in favour of the second respondent dated 20.01.2015 should be quashed. No society shall be registered by the name which, in the opinion of the Registrar, is undesirable under Section 9(1) of the Tamil Nadu Societies Registration Act, 1975, when identical with, or too nearly resembling in the name by which a society in existence, has been previously registered. Therefore, the second respondent ought not to have been registered as Society in the said name. It is brought to the notice of this Court that the petitioner also given a representation dated 21.09.2015 in this regard to the first respondent.

4. In the circumstances, I am of the view that the first respondent could be directed to consider the petitioner's representation dated 21.09.2015 and pass orders after hearing the petitioner as well as the second respondent on merits and in accordance with law. Accordingly, I direct the first respondent to consider the petitioner's representation dated 21.09.2015 and after giving an opportunity of personal hearing to the petitioner and the second respondent, pass orders on merits and in accordance with law.

5. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To
The Registrar of Societies,
Saidapet, Chennai-600 015.

+2 cc's to Mr.R.Subramanian,advocate,sr.22394 & 22751
+1 cc to Mr.C.Mahadevan,advocate,sr.22402
+1 cc to Govt.Pleader,sr.22443.

rj (co)
krd 17/4